

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

**NBIS CONSTRUCTION &
TRANSPORT INSURANCE
SERVICES, INC., a/s/o Sims Crane
& Equipment Company,**

Plaintiff,

Case No. 8:19-cv-2777-AAS

v.

**LIEBHERR-AMERICA, INC., d/b/a
LIEBHERR USA, CO., f/k/a
LIEBHERR CRANES, INC.,**

Defendant.

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ORDER

Both parties moved *in limine* before this case changed from a jury trial to a non-jury trial. (Docs. 65, 66). Because this case is now set for a non-jury trial and the court is now the finder of fact and the ruler of law, pre-trial motions to exclude evidence, including expert opinions, are unlikely to succeed. *See United States v. Brown*, 415 F.3d 1257, 1269 (11th Cir. 2005) (“There is less need for the gatekeeper to keep the gate when the gatekeeper is keeping the gate only for himself.”); *see also City of S. Miami v. Desantis*, No. 19-CV-22927-BLOOM/Louis, 2020 WL 7074644, at *6-7 (S.D. Fla. Dec. 3, 2020) (discussing how considering borderline admissible evidence is less of concern

for bench trials). Instead, the court can address these issues with the benefit of the context of the trial and can disregard inadmissible evidence.

Thus, the parties' motions *in limine* (Docs. 65, 66) are **DENIED without prejudice**. The parties may revisit these issues during the non-jury trial, if appropriate.

ORDERED in Tampa, Florida on June 22, 2021.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge